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House Bill 4159 (as passed by the House)
Sponsor: Representative Alma Wheeler Smith
House Committee: Families and Children's Services
Senate Committee: Families and Human Services

Date Completed: 3-30-09

CONTENT

The bill would amend the Social Welfare Act to do the following:

- Revise the requirements for adoptive parents to be eligible for support subsidies from the Department of Human Services (DHS).**
- Specify that the maximum amount of a support subsidy would have to be equal to the rate that the child received in the family foster care placement or the rate the child would have received if he or she had been in such a placement at the time of adoption.**
- Require an adoption assistance agreement to include any services and other assistance to be provided under the agreement, and provisions to protect the interests of the child if the adoptive parent or parents moved to another state.**
- Revise the conditions under which the DHS may continue to pay adoption assistance until a child reaches the age of 21.**
- Require payments of adoption assistance to an appointed guardian to be made through State funding.**

The bill is described in detail below.

Eligibility

The Act permits the DHS to pay a support subsidy to the adoptive parent of an adoptee placed in the adoptive parent's home under the Adoption Code or the adoption laws of another state or tribal government if the following requirements are met:

- The DHS certified that the adoptee is a child with special needs.
- Certification is made before the adoptee's 18th birthday.
- Certification is made before the petition for adoption is filed.

Under the bill, certification would have to be made and the contract agreement signed by the adoptive parent or adoptive parents and the DHS before the adoption was finalized.

The bill would remove a requirement that the adoptive parent request the support subsidy not later than the date of confirmation of the adoption.

Support Amount

Currently, the amount of a support subsidy must be equal to the family foster care rate, including the difficulty of care rate, that was paid for the adoptee while he or she was in foster care.

Under the bill, instead, the maximum amount would have to be equal to the rate that the child received in the family foster care placement or the rate the child would have received if he or she had been in such a placement at the time of adoption. The rate would include the difficulty of care rate that was paid or would have been paid for the adoptee in a family foster care placement.

The DHS could not implement policy to limit the maximum amount at an amount less than the family foster care rate, including the difficulty of care rate, that was paid for the adoptee while he or she was in family foster care.

Assistance Agreement

The Act requires the DHS and the adoptive parent or parents to enter into an adoption assistance agreement if adoption assistance is to be paid. The bill would require the agreement to include any services and other assistance to be provided under the agreement, and provisions to protect the interests of the child in cases in which the adoptive parent or parents moved to another state while the adoption assistance agreement was in effect.

Assistance Past the Age of 18

Generally, adoption assistance or a medical subsidy is terminated once the adoptee reaches 18 years of age or is emancipated. If sufficient money is appropriated, the DHS may continue adoption assistance or a medical subsidy, or both, for an adoptee under 21 years of age if the Department determines that the adoptee is a student regularly attending high school, college, university, or vocational school in pursuance of a course of study leading to a high school diploma, college degree, or gainful employment.

The bill would delete those provisions. Instead, if the Legislature appropriated sufficient funds in the DHS's annual budget, adoption support subsidy agreements or adoption medical subsidy agreements, or both, could be extended through State funding for an adoptee under 21 years of age if all of the following criteria were met:

- The adoptee had not completed high school or a GED program.
- The adoptee was regularly attending high school or a GED program or a program for children with disabilities on a full-time basis and was progressing toward achieving a high school diploma, certificate of completion, or GED.
- The adoptee was not eligible for Supplemental Security Income.

Adoption support subsidy agreements could be extended through Title IV-E funding for an eligible adoptee up to the age of 19 years if the State determined that the child had a mental or physical disability that warranted continuation of adoption assistance.

(Under Title IV-E of the Social Security Act, the U.S. Department of Health and Human Services provides funding to states for foster care and adoption assistance payments.)

Support Payments to Guardian

Currently, upon the death of an adoptive parent, the DHS must continue making support subsidy payments or continue subsidy eligibility, or both, to the guardian of the adoptee if a

guardian is appointed under Section 5202 or 5204 of the Estates and Protected Individuals Code.

The bill would require payments under that provision to be made through State funding.

(Section 5202 permits the parent of an unmarried minor to appoint a guardian for the minor by will or other written statement. Section 5204 permits a person interested in the welfare of a minor, or a minor if he or she is 14 years of age or older, to petition for the appointment of a guardian.)

MCL 400.115g et al.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

Language in the bill would make it easier for some adoptive parents to obtain adoption subsidies. This would lead to a small, indeterminate increase in State expenditure in the adoption subsidy line. It should be noted that an estimated 85% to 90% of Michigan children adopted from the child welfare system receive adoption support subsidy payments. Because of the high proportion of adoptive parents who already have access to adoption support subsidy payments, the cost associated with modifying eligibility requirements would be relatively minor.

Fiscal Analyst: David Fosdick

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.